THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No. 848 of 2006

DATED: 23.01.2006

Between:

Badineni Rajender Reddy.

..... PETITIONER

AND

Mandal Revenue Officer,

Jagtial, Karimnagar District & 3 others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No. 848 of 2006

ORDER:

The petitioner is aggrieved by the proceedings dated 17.12.2005 passed by the first respondent whereby and whereunder, the first respondent directed to record the name of the fourth respondent herein as pattadar of the land admeasuring Ac.0.11 guntas in Survey No.392/aa situated in Mothe Village. He seeks a writ of mandamus declaring the said proceedings as illegal and invalid.

The land admeasuring Ac.0.11 guntas in Survey No.392/aa of Mothe Village belong to the fourth respondent. He allegedly sold the land in September 1976 to one Kolagani Narsaiah, and his name was mutated in the revenue records in 1978. The petitioner allegedly purchased the property under a registered sale deed dated 19.02.2005 from Kolagani Narsaiah, and the patta was accordingly changed in his favour on 20.04.2005. In the meanwhile, the third respondent herein, who is the sister of the fourth respondent, filed an application before the first respondent for grant of succession (Virasath patta). The Mandal Revenue Officer considered the same, and by impugned order, ordered to record the name of the fourth respondent as pattadar.

The learned Counsel for the petitioner strenuously contends that when the petitioner and his vendor-Kolagani Narsaiah have been in possession of the land from September 1976 onwards, it was improper for the Mandal Revenue Officer to order the mutation in favour of the fourth respondent even without issuing any notice to him. He, however, does not dispute that Kolagani Narsaiah purchased the property from the fourth respondent under an unregistered sale deed. Be that as it is, there are questions of facts involved in the case, and having regard to Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, which confers revisional power on the Joint Collector, these questions cannot be decided here.

Liberty is given to the petitioner to invoke the revisional jurisdiction before the Joint Collector, Karimnagar, by filing an appropriate revision within a period of ten days from the date of receipt of a copy of this order. As and when such revision is filed, the Joint Collector, Karimnagar, shall consider the same and pass appropriate orders in accordance with law, without in any manner being influenced by any opinion expressed hereinabove.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

23.01.2006

vs